



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

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MEMORANDUM

TO: Superintendents, Finance Directors, and Directors of Special Education

FROM: Lance V. Rhodes, Chief Financial Officer

SUBJECT: Stimulus Dollars under Part B of the Individuals with Disabilities Education Improvement Act (IDEA)

DATE: May 19, 2009

In working with our US Department of Education contacts it has come to our attention that districts are allowed to expend IDEA stimulus funds for renovation, remodeling or repair on special education facilities and to purchase buses to transport students who are receiving special education services. However, federal law and regulations require PRIOR approval from the Indiana Department of Education before a local educational agency (LEA) may encumber funds for this purpose.

Furthermore, the federal law and regulations provide that the purpose of the renovation, remodeling or repair and/or to purchase a school bus MUST be to improve the services the LEA is providing to students with disabilities. The construction and/or school bus(es) must be necessary and reasonable for the proper and efficient performance of the IDEA/Part B program. Any construction or school bus(es) must also be authorized and not prohibited under state and local regulations. The procurement of this must be adequately documented.

The Indiana Department of Education (IDOE) is providing the enclosed procedure for you to request prior approval to use any Part B stimulus dollars for renovation, remodeling or repair or to purchase a school bus. We have attempted to structure this process to be expedient and efficient.

According to recent guidance published by the U. S. Department of Education, Office of Special Education Programs (OSEP), the renovation, remodeling or repair and/or bus purchase(s) must meet the requirements outlined below, in addition to the purposes identified above. Please note that expending IDEA stimulus funds for these items entails these additional requirements to be completed and approval from the IDOE received by the LEA prior to committing Part B resources.

Renovation, Repair or Remodeling for Special Education Facilities with IDEA Stimulus Funds within the footprint of the existing facility that is to be addressed:

- Must be pre-approved by IDOE;
- Must comply with all guidelines for the American with Disabilities Accessibility Act;

- Must comply with the Uniform Federal Accessibility Standards;
- Must comply with the requirements in the Education Department of General Administrative Regulations (EDGAR);
- Must comply with the general criteria under OMB Circular A-87 (2 CFR Part 225);
- Must comply with the requirements relating to the use of American iron, steel, and manufactured goods (ARRA, section 1605); and
- Must comply with wage rate provisions (ARRA, section 1606).

Purchasing Buses to Transport Students Receiving Special Education Services:

- Must be pre-approved by the IDOE; and
- Must meet Indiana's Minimum Specifications for school buses, IAC Title 575 and all new buses must be inspected by the Indiana State Police.

The IDOE will notify LEAs via electronic mail and/or facsimile as soon as approval for any LEA request has been processed. If a request is denied, the LEA will receive a written letter from the IDOE explaining the reason(s) for the denial. Should you have additional questions regarding these procedures, please contact the IDOE Office for Student Learning at 317/232-0570 or your special education monitoring specialist within the Center for Differentiated Learning.

Procedures for Obtaining Prior Approval from the Indiana Department of Education to use Part B Stimulus Dollars for Renovation or Construction of Facilities or to Purchase Major Equipment

Within the Individuals with Disabilities Education Improvement Act (IDEA) Part B application for funds under the American Reinvestment and Recovery Act (ARRA) there is a section heading of **Other Services**. If you intend to use some of your Part B stimulus funds for renovation, remodeling or repair on special education facilities and/or to purchase buses to transport students who are receiving special education services you are to complete that section of the application.

Then, you must attach additional documentation to your Part B Application for funds under the ARRA that covers the following items:

- (A) The estimated number of and age range for the students with disabilities to be impacted by this purchase and/or renovation.
- (B) The overall purpose of the renovation, remodeling, or repair and how it will directly impact the students with disabilities described at (A).
- (C) A description as to why this is a necessary investment of dollars to improve the education of the students with disabilities described at (A).

If you have additional questions regarding the process or the detail to be provided, please contact your special education monitoring specialist within the Center for Differentiated Learning. The names, electronic mail address and telephone number for each consultant is listed below.

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